



Defendant Donald Batchelor's Motion for Dismissal under Rule 9(b) and 12(b)(6) [#13]. The record reflects that on August 27, 2019, Plaintiff and Defendants filed a Stipulation of Dismissal with Prejudice as to Donald Batchelor [#17]. Accordingly, the Court will direct the Clerk to terminate Batchelor from this lawsuit and will dismiss as moot Batchelor's motion to dismiss. As to Allstate's motion to dismiss, Allstate agreed at the hearing that Plaintiff should have the opportunity to replead with more specificity because his Original Petition was filed in state court, where pleadings are subject to more lenient pleading standards. The Court will therefore order Plaintiff to file an amended pleading that complies with the Federal Rules of Civil Procedure within two weeks of this Order. The Court will also dismiss Allstate's motion to dismiss without prejudice to filing another motion to dismiss based on Plaintiff's amended pleading.

**IT IS THEREFORE ORDERED** that the District Clerk **terminate** Defendant Donald Batchelor from this lawsuit.

**IT IS FURTHER ORDERED** that Defendant Donald Batchelor's Motion for Dismissal under Rule 9(b) and 12(b)(6) [#13] is **DISMISSED AS MOOT**.

**IT IS FURTHER ORDERED** that Plaintiff file an amended pleading in conformity with the Federal Rules of Civil Procedure **on or before September 12, 2019**.

**IT IS FINALLY ORDERED** that Defendant Allstate Vehicle and Property Insurance Company's Motion for Partial Dismissal under Rule 9(b) and 12(b)(6) [#4] is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 29th day of August, 2019.



ELIZABETH S. ("BETSY") CHESTNEY  
UNITED STATES MAGISTRATE JUDGE